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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,539	09/24/2004	William D. Lynch	L0924	5538
26092	7590	09/07/2006	EXAMINER	
KYLE W. ROST 5490 AUTUMN CT. GREENWOOD VILLAGE, CO 80111			HUNNINGS, TRAVIS R	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/711,539	Applicant(s) LYNCH, WILLIAM D.	
	Examiner Travis R. Hunnings	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 5 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. Claims 1-4, 6-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reppas et al. (Reppas; US Patent 5,598,164) in view of Bernhard (US Patent 5,521,579).

Regarding claim 1, Reppas discloses *Vehicle Obstacle Avoidance System* that has the following claimed limitations:

The claimed selectively actuatable proximity sensor capable of sensing an external obstacle and sending a responsive signal, in use mountable to said land vehicle in a laterally disposed position suitable for sensing external obstacles on a lateral side of the land vehicle, relative to the direction of forward motion is met by the system for warning a vehicle driver of obstacles around the vehicle and in the blind spots located on the sides of the vehicle (column 3, lines 32-65);

The claimed warning means for communicating with said proximity sensor to receive an indication of said responsive signal and issuing a warning that the sensor has sensed an external obstacle is met by the localized warning using the vehicle's audio system (column 2, lines 30-34).

However, Reppas does not specifically disclose the claimed slave switching means for actuating said proximity sensor, connectable in communication with said directional signal selector switch to actuate said proximity sensor in response to the

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directional signal selector switch actuating said directional signal light. Bernhard discloses *Method For Providing Guiding Assistance For A Vehicle In Changing Lane* that teaches actuating the sensing system once the turn signal has been actuated (column 3, lines 52-61). Modifying the avoidance system of Reppas to only activate once the turn signal was activated would conserve power used by the device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Reppas according to the teachings of Bernhard to only actuate the sensing system when the turn signal lever was actuated.

Regarding claim 2, the examiner takes official notice that it is well known to one of ordinary skill in the art to use a vehicle's battery to supply power (and current) to the electronics used in the vehicle itself. The examiner also takes official notice that it is well known in the art for a microprocessor or other form of controller is used to control electronics and switching on and off systems in a vehicle such as the sensing system of Reppas and Bernhard.

Regarding claim 3, the claimed formation of sensing units would have been obvious to one of ordinary skill in the art. Any desired formation that would achieve the desired sensing goals would have been realized after sufficient trials and testing, including the claimed formation.

Regarding claim 4, the claim is interpreted and rejected as claim 3 stated above.

Regarding claim 6, the claim is interpreted and rejected as claim 1 stated above. The claimed right and left side proximity sensors would have been obvious to one of ordinary skill in the art. Any desired formation that would achieve the desired sensing goals would have been realized after sufficient trials and testing, including the claimed formation.

The system of Bernhard activates upon the actuation of the turn-signal lever (column 3, lines 52-61) and it would have been obvious to one of ordinary skill that the activation would only be for sensor on the side of the vehicle that the turn-signal lever is indicating a lane-change to.

Regarding claim 7, the claim is interpreted and rejected as claim 2 stated above.

Regarding claim 8, the claim is interpreted and rejected as claim 3 stated above.

Regarding claim 9, the claim is interpreted and rejected as claim 4 stated above.

Regarding claim 11, it is inherent in vehicles with a turn-signal that some flasher or flashing element is connected to the car battery to provide the light with current to activate the signal. The examiner takes official notice that it is well known to one of ordinary skill in the art to use a vehicle's battery to supply power (and current) to the electronics used in the vehicle itself. The examiner also takes official notice that it is well

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known in the art for a microprocessor or other form of controller is used to control electronics and switching on and off systems in a vehicle such as the sensing system of Reppas and Bernhard.

Regarding claim 12, the claim is interpreted and rejected as claim 6 stated above.

### ***Allowable Subject Matter***

2. Claims 5 and 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

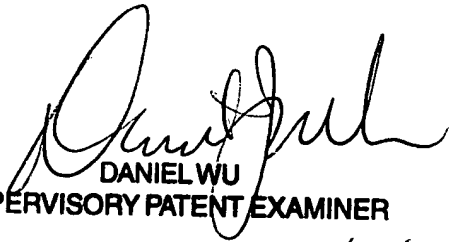
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRH

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
9/01/06